IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1932 of 2004

RATANLAL
V/S
SMT.HAGAM BAI & ANR

Mr. SANDEEP SARUPURIA, for the appellant.

Date of Order : 15.12.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant.

The learned trial court had dismissed the application for temporary injunction. Injunction prayed for was seeking to restrain the respondents from alienating the property, and from adopting some-body-else. The claim of the appellant is based on adoption said to have been effected in favour of the appellant by his deceased father Heera.

Learned trial court has found that the appellant has not produced any documentary evidence to show adoption, and had pleaded that the adoption was with the consent of the defendant Hagami Bai, while Hagami Bai has denied this fact.

Learned trial court has also noticed that the mutation in the revenue record was effected in favour of the appellant and Hagami Bai which mutation was challenged by the daughter of Heera being Deu Bai, and ultimately that mutation was cancelled in the manner that the appellant's name was removed.

It is in these circumstances that the present suit has been filed in the year 2003, while the mutation had been cancelled way back in the year 1993.

Suffice it to say that if during pendency of the suit, the defendant effects any alienation, that obviously would be effected by the doctrine of lis pendence. As such I am not inclined to interfere with the impugned order.

The appeal is, therefore, dismissed summarily.

(N P GUPTA),J.

/Sushil/